



\$~C-2

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CO.PET. 479/1998**

**KAMINI MANCHANDA**

.....Petitioner

Through: Mr. Ravi Sikri, Senior Advocate with  
Mr. Ayushya Kumar, Mr. Deepank  
Yadav and Ms. Kanak Grover,  
Advocates.

versus

**M/S MOVE ON ENGINEERS PVT. LTD.**

.....Respondent

Through: Mr. D. Bhattacharya, Advocate for  
OL.

**CORAM:**

**HON'BLE MR. JUSTICE CHANDRA DHARI SINGH**

**ORDER**

%

**28.08.2024**

**CO.APPL. 591/2024.**

1. The instant application under Rule 9 of the Companies (Courts) Rules, 1959 has been filed on behalf of the petitioners seeking following reliefs:-

*“(i) allow the present application and permit the Petitioners to bring on record the legal heirs of Respondents No. 2 & 3 mentioned in para 3 of this application; and/or  
(ii) pass such other or further order(s) as this Hon’ble Court may deem fit, just and proper in the facts and circumstances of the case.”*

2. For the sufficient cause being shown in the instant application, the same is allowed.

3. Accordingly, the instant application stands disposed of.

**CO.APPL. 582/2024 (For Directions)**



4. The instant joint application has been filed under Rule 9 of the Companies (Court) Rules, 1959 on behalf of the petitioners and the proposed respondents, who are the legal heirs of the respondent nos. 2 and 3, seeking the following reliefs:

*“(i) allow the present application and pass appropriate directions to the Official Liquidator to remove the hold over A/c No. 20444875208 (Earlier SB A/c No. 5297) in the name of “Landlord Account Office Rent” opened by Allahabad Bank (now known as Indian Bank) having branch at the premises bearing Plot No. 14, Mayapuri Industrial Area, Phase – II, Community Centre, New Delhi and permit the Bank to release payments from the said bank account; and/or  
(ii) pass such other or further order(s) as this Hon’ble Court may deem fit, just and proper in the facts and circumstances of the case.”*

5. The present application has been filed, jointly, on behalf of the petitioners, through their respective special power of attorney(s) and the respondents who have been impleaded as legal heirs of the deceased respondent no. 2 & 3 in CO.APPL. 591/2024. By way of the present joint application, the parties are seeking directions of this Court to the Official Liquidator (hereinafter “OL”) to remove hold over A/c No. 20444875208 (earlier SB A/c No. 5297) (hereinafter “Account No. 5297”), opened by the Allahabad Bank (now known as Indian Bank) (“Bank” hereinafter) in the name of “Landlord Account Office Rent”.

6. It is submitted that neither the respondent No. 1 Company is the owner of the afore said premises, nor does it have any right or interest in the rent amount lying deposited in the aforementioned bank account. It is further submitted that the respondent No. 1 Company was a tenant on the second floor of the aforesaid premises.



7. It is submitted that the basement, ground floor and first floor in the premise bearing Plot no. 14, Mayapuri Industrial Area, Phase- II, Community Centre, New Delhi was given on lease by the predecessors-in-interest of the petitioners and respondents nos. 2 and 3, namely Late Sh. Ramesh Manchanda, Late Sh. Kamal Kishore Manchanda and Late Sh. Rajinder Manchanda (who were the owners of the said property), to Allahabad Bank (now known as Indian Bank) (“Bank” hereinafter) vide lease deed dated 10<sup>th</sup> December, 1984.

8. It is submitted that in the year 1998, the captioned company petition as filed by the petitioner Nos. 1 & 2 under Section 433 (f) read with Section 434 (1) and Section 439 of the Companies Act, 1956, thereby, seeking winding up of the respondent No. 1 Company on the ground that Late Sh. Rajinder Manchanda, i.e., respondent No. 2 herein, misappropriated the funds/capital/assets of the company by directing the same to his personal accounts.

9. It is submitted that the Predecessor Bench of this Court vide order dated 18<sup>th</sup> November, 2003, appointed the OL as Provisional Liquidator and directed the OL to take over the assets and records of the respondent Company. It is further submitted that pursuant to the aforementioned order of taking over the assets and records of the respondent Company, the OL wrote a letter dated 24<sup>th</sup> December, 2003 to the Manager of the Bank directing it to stop the withdrawal from Account No. 5297 in the name of “Landlord Account Office Rent”, thereby, freezing the operation of the Account No. 5297.

10. It is also submitted that vide the order dated 6<sup>th</sup> December, 2004 passed by the Predecessor Bench of this Court in the captioned company



petition, the respondent company was ordered to be wound up and the OL was directed to act as the Liquidator.

11. It is submitted pursuant to the aforementioned winding up of the respondent Company, a Memorandum of Compromise dated 11<sup>th</sup> February, 2019 was entered into between the petitioners and respondent nos. 2 and 3, which stated that all the disputes and outstanding claims stands settled and the second floor of the above said premises be de-sealed. Further, it was also agreed between the parties to get the Bank Account no. 5297 de-frozen.

12. It is submitted that in view of the aforementioned agreement, the parties filed a joint application, seeking directions to the OL to de-seal the second floor of the said premises. Subsequently, vide order dated 14<sup>th</sup> January, 2020, the Predecessor Bench of this Court directed the OL to de-seal the second floor of the above said premises which was duly done by the OL.

13. It is submitted that since 1<sup>st</sup> January, 1995, the Bank, while taking advantage of certain disputes between the legal heirs, stopped paying lease/rent amount to the owners of the above said premises and consequently, a civil suit bearing CS(OS) No. 267/2020 was filed against the Bank seeking recovery of arrears of rent before this Court .

14. It is submitted that during the pendency of the abovementioned suit, a Settlement Agreement dated 6<sup>th</sup> April, 2023 was entered into by all the legal heirs wherein it was agreed that the rent amount lying deposited in Bank Account no. 5297 be received by one member from each of the three branches of the family in the ratio of 1/3<sup>rd</sup>.

15. It is also submitted that an application bearing I.A No. 7170/2023 was filed by all the legal heirs in the aforementioned suit seeking directions to



the Bank to release the admitted rent lying in Bank Account no. 5297, which was subsequently allowed vide order dated 18<sup>th</sup> March, 2024 and direction was given to the Bank to pay the entire arrears of lease/rent amount in terms of the aforesaid Settlement Agreement.

16. It is submitted that when the parties to the aforementioned Agreement approached the Bank seeking release of the lease/rent amount in their respective bank accounts, the bank produced a letter dated 24<sup>th</sup> December, 2003 written by the OL, whereby, the bank was directed to stop the withdrawal from the said account.

17. Being aggrieved by the inaction of the Bank in removing the hold over the foresaid bank account, the instant joint application has been filed seeking appropriate directions of this Court.

18. At this stage, learned counsel appearing on behalf of the OL submitted that he has no objection if the prayer made in the instant application is allowed.

19. Heard the learned counsel appearing on behalf of the parties and perused the contents of the application as well as other material available on record.

20. In light of the submissions and contentions made in the instant application as well as the contentions advanced on behalf of the OL, this Court is inclined to grant the prayer made in the instant application.

21. Accordingly, the Official Liquidator is directed to remove the hold over A/c No. 20444875208 (Earlier SB A/c No. 5297) in the name of “Landlord Account Office Rent” opened by the Allahabad Bank (now known as Indian Bank) having branch at the premises bearing Plot no. 14, Mayapuri Industrial Area, Phase- II, Community Centre, New Delhi.



Further, the concerned Bank is directed to allow the account holder of the said bank account to operate the same.

22. Accordingly, the instant application is allowed and stands disposed of.

**CHANDRA DHARI SINGH, J**

**AUGUST 28, 2024**

rk/sm

*[Click here to check corrigendum, if any](#)*